



City Council Meeting 2016-23

Tuesday September 20, 2016 at 6:30 pm
in the Council Chamber at City Hall.

Council will resolve into the Committee of the Whole
“Closed Meeting” and will reconvene
as regular Council at 7:30 pm.

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(Council Chamber)

Call Meeting to Order

Roll Call

The Committee Of The Whole “Closed Meeting”

1. **That** Council resolve itself into the Committee of the Whole “Closed Meeting” to consider the following items:
 - a) Labour Relations or Employee Negotiations – Ontario Nurses’ Association (ONA);
 - b) Labour Relations or Employee Negotiations – Canadian Union of Public Employees (CUPE);
 - c) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; – Construction Contract Disputes – 197 Brock Street, 266 Bagot Street and 105 Brock Street.

Approval of Addeds

Disclosure of Potential Pecuniary Interest

Presentations

Delegations

Briefings

Petitions

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

Deferred Motions

Reports

Report Number 90: Received from the Chief Administrative Officer (Consent)

Report Number 90

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

All items listed on the Consent Report shall be the subject of one motion. Any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the Consent Report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

That Council consent to the approval of the following routine item:

a) Award of Contract – Acquisition, restoration and repurposing of 305-323 Rideau Street (Former Bailey Broom Factory)

That RAW Factory Inc. be awarded the contract (RFP Number F31-COI-RELD-2015-01) to acquire, restore and repurpose 305-323 Rideau Street; and

That Council authorizes the Mayor and Clerk to execute all agreements and documents required to ensure the sale, restoration and repurposing of 305-323 Rideau Street to RAW Factory Inc., subject to the satisfaction of the Director of Legal Services; and

That Council declare surplus to municipal need and dispose of Part of Lot 13 on Registered Plan B-3, City of Kingston, more particularly described as Part 2 on Plan 13R-20924, being 0.276 hectare of land municipally described as 305-323 Rideau Street.

(The Report of the Commissioner of Community Services (16-322) is attached as schedule pages 1-11)

(File Number CSU-F31-000-2016)

Report Number 91: Received from the Planning Committee

Report Number 91

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

1) Approval of an Application for Zoning By-Law Amendment - 40 Crescent Drive (Mark McKercher & Chris Boot)

That the application for a zoning by-law amendment (File Number D14-027-2016) submitted by Mark McKercher & Chris Boot, for the property municipally known as 40 Crescent Drive, be approved; and

That By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to amend Zoning By-Law Number 76-26) to Report Number PC-16-078; and

That in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented for all three readings.

(By-Law Number (1), 2016-178 is attached as schedule pages 12-14)

2) Approval of an Application for Zoning By-Law Amendment - 3955 Pine Grove Road (Sonneveld Farms Ltd.)

That the application for a zoning by-law amendment (File Number D14-013-2016) submitted by Sonneveld Farms Ltd., on behalf of Thousand Islands Recreational Aviation Centre, for the property municipally known as 3955 Pine Grove Road, be approved; and

That By-Law Number 32-74, entitled "Township of Pittsburgh Zoning By-Law", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to amend Zoning By-Law Number 32-74) to Report Number PC-16-082; and

That in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented for all three readings.

(By-Law Number (2), 2016-179 is attached as schedule pages 15-17)

3) Approval of an Application for Zoning By-Law Amendment - 297 Gore Road (City of Kingston)

That the application for a zoning by-law amendment (File Number D14-014-2016) submitted by the Real Estate & Environmental Initiatives Department, on behalf of the City of Kingston, for the property municipally known as 297 Gore Road, be approved; and

That By-Law Number 32-74, Entitled "Township of Pittsburgh Zoning By-Law", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to amend Zoning By-Law Number 32-74) to Report Number PC-16-079; and

That in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented for all three readings.

(By-Law Number (3), 2016-180 is attached as schedule pages 18-21)

4) Approval of Official Plan Update

That the Final Draft of the Official Plan Update, attached as Exhibit A to Report PC-16-086 be adopted; and

That the City of Kingston Official Plan, as amended, be further amended, as per Exhibit B (Draft By-Law to Amend the City of Kingston Official Plan) to Report Number PC-16-086; and

That pursuant to Section 26. (7) of the *Planning Act*, it is hereby declared that this 5 Year Update of the City of Kingston Official Plan meets the requirements of Section 26. (1), clauses (a), (b) and (c) of the *Planning Act* and accordingly it is hereby confirmed that the revised City of Kingston Official Plan as adopted by the Council of the Corporation of the City of Kingston:

- (a) Conforms with all applicable provincial plans;
- (b) Has regard to the matters of provincial interest listed in Section 2 of the *Planning Act*; and
- (c) Is consistent with the 2014 Provincial Policy Statement; and

That the amending by-law be presented for all three readings; and

That staff be directed to submit the Official Plan Update and amending by-law to the Ministry of Municipal Affairs for the Minister's approval.

(Exhibits A and B can be found [here](#))

(By-Law Number (4), 2016-181 is attached as schedule pages 22-223)

5) Approval of an Application for Proposed Amendment to the Brownfields Community Improvement Plan - 223 Princess Street (FOTENN Consultants Incorporated)

That the application for an amendment to create a new Community Improvement Project Area in the City of Kingston Community Improvement Plan for Brownfields Project Areas 1A, 1B and 1C (File Number D18-001-2015), submitted by FOTENN Consultants Incorporated, on behalf of IN8 (The Capitol) Developments Incorporated, for the property municipally known as 223 Princess Street, be approved; and

That By-Law Number 2005-40 "A By-Law to Designate Brownfields Project Areas 1A, 1B and 1C as Community Improvement Project Areas", as amended, be further amended as per Exhibit A (Draft By-Law and Schedule A to add a new Community Improvement Project Area) to Report Number PC-16-085; and

That By-Law Number 2005-41 "A By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas" 1A, 1B and 1C, as amended, be further amended as per Exhibit B (Draft By-Law and Schedules A, B, C, D, E, F and G to add site specific policies to and replace mapping of the Brownfields CIP) to Report Number PC-16-085; and

That the amending by-laws be presented for all three readings; and

That the community benefits being sought under Section 37 of the Planning Act be approved and the Mayor and Clerk be authorized, following the review and recommendation by staff, including the City Solicitor, to execute a Community Benefits Agreement with the applicant.

Approval of an Application for Zoning By-Law Amendment - 223 Princess Street (FOTENN Consultants Incorporated)

Note: The following recommendation was LOST on a tie vote.

[Committee By-law 2010-205, Section 2.12 b) under 'Clauses Lost at Committee Meetings' states that: "Motions that result in a tied vote at a Committee must be reported to Council or to the appropriate Committee to which it reports, as determined by the By-Law, with no recommendation to allow Council the opportunity to discuss and make a decision". This process is also noted within Procedural By-law 2010-1, Section 11.23 a) under 'Committee Reports'.]

That the application for a zoning by-law amendment (File Number D14-122-2015 and D18-001-2015) submitted by FOTENN Consultants Incorporated, on behalf of IN8 (The Capitol) Developments Incorporated, for the property municipally known as 223 Princess Street, be approved; and

That the subject site at 223 Princess Street be designated a Class 4 area as per the Environmental Noise Guideline of NPC-300 of the Ministry of Environment and

Climate Change, subject to a related holding symbol being applied in the amending zoning by-law; and

That By-Law Number 96-259 of The Corporation of the City of Kingston, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit C (Draft By-Law and Schedules A and B to amend Zoning By-Law Number 96-259) to Report Number PC-16-085; and

That in accordance with Section 34(17) of the Planning Act, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented for all three readings; and

(By-Law Number (5), 2016-182 is attached as schedule pages 224-226)

(By-Law Number (6), 2016-183 is attached as schedule pages 227-241)

(By-Law Number (7), 2016-184 is attached as schedule pages 242-249)

Report Number 92: Received from Heritage Kingston

Report Number 92

To the Mayor and Members of Council:

Heritage Kingston reports and recommends as follows:

All items listed on this Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

1. Approval of Heritage Property Grant Applications - 428 Princess Street & 34 Sydenham Street

That the Heritage Property Grant application for the designated property at 428 Princess Street, be provisionally approved, subject to the standard requirements pertaining to the completion of the works and the release of funding, in accordance with details described in *Ontario Heritage Act* permit application (Permit Number P18-044-2016) and Heritage Property Grant application (File Number HG-018-2016); and

That the Heritage Property Grant application for the designated property 34 Sydenham Street, be provisionally approved, subject to the standard requirements pertaining to the completion of the works and the release of funding, in accordance with details described in *Ontario Heritage Act* permit application (Permit Number P18-064-2016) and Heritage Property Grant application (File Number HG-020-2016).

Committee of the Whole

Information Reports

1. **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of July 2016**

This information report provides Council with details of purchases greater than \$50,000 that meet the established criteria of delegated authority as well as contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of July 2016.

(The Report of the Chief Financial Officer and City Treasurer (16-269) is attached as schedule pages 250-259)

(File Number CSU-F18-000-2016)

2. **Brownfield Program Overview 2005-2016**

This information report provides an update on the performance of the City's Brownfield Community Improvement Plan (CIP) program which has been in place since 2005. The program has provided financial benefits to many projects that have remediated and redeveloped vacant, underutilized and contaminated properties within designated areas of the City of Kingston.

(The Report of the Commissioner of Community Services (16-309) is attached as schedule pages 260-273)

(File Number CSU-E05-001-2016)

Information Reports from Members of Council

Miscellaneous Business

New Motions

1. Moved by Mayor Paterson
Seconded by Councillor Holland

Whereas The Tragically Hip held its last concert of its Man Machine Poem tour in Kingston on August 20, 2016; and

Whereas the City of Kingston held a community celebration event in Springer Market Square in partnership with the CBC, Kingston Accommodation Partners, The Great Waterway and the Downtown Kingston BIA! to broadcast the concert; and

Whereas over 11.7 million people across Canada watched the concert live on the CBC and 25,000 people gathered in Springer Market Square and the Rogers K-Rock Centre to celebrate this iconic band; and

Whereas since the show there has been tremendous interest from residents in honouring the band and their iconic August 20 show in Kingston; and

Whereas the City approved a Commemoration Strategy which states that an event will only be considered for commemoration at least ten years after its conclusion;

Therefore Be It Resolved That notwithstanding the Commemoration Strategy, Council approve the commemoration of The Tragically Hip concert held in Kingston on August 20; and

That Council direct staff to commemorate the August 20 The Tragically Hip concert and City of Kingston event by having a stone engraved and a page added in the “Kingston Remembers” history flipbook within Springer Market Square; and

That this commemoration be funded through the existing Recreation & Leisure Services capital budget.

2. Moved by Councillor Neill
Seconded by Councillor Holland

Whereas asbestos is a well-known cancerous agent, with increasing numbers of Canadians facing serious health consequences due to exposure over the years; and

Whereas numerous countries around the world have legislated an outright ban, and many cities across Canada have passed Motions calling for a complete ban in Canada, which the current Federal Government has promised;

Therefore Be It Resolved That the City of Kingston endorses the complete banning of asbestos, and encourages the Canadian Government to pass legislation as soon as possible; and

That this motion be shared with MP Mark Gerretsen, PM Justin Trudeau, and all Federal Opposition Party Leaders.

Notices of Motion

Minutes

That the Minutes of City Council Meeting Number 2016-22, held Tuesday, September 6, 2016 be confirmed.

(Distributed to all Members of Council on Friday September 16, 2016)

Tabling of Documents

Communications

That Council consent to the disposition of Communications in the following manner:

Filed

- 23-673 From Cherie Mills, Manager of Planning Services, Leeds Grenville, Notice of Decision on Official Plan Amendment
(File Number CSU-D09-000-2016)
- 23-674 Notice of Public Meeting, Amendment to the Official Plan, Implement the Recommendations of the Commercial Land Review Final Report dated March 2016.
(File Number CSU-D09-000-2016)

Referred to All Members of Council

- 23-675 From J.W. Tiernay, Executive Director, Ontario Good Roads Association (OGRA) - OGRA Conference February 26-March 1, 2017.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-A04-000-2016)
- 23-676 From Brian Nash, President, Haliburton Solar and Wind - Renewable Energy Development in Ontario - A Helping Hand for Municipalities.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-E11-000-2016)
- 23-677 From Mark Gerretsen, Member of Parliament, Funding Opportunity for Third Crossing.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-T04-000-2016)
- 23-678 From Tayna Elliot, Vice President, Ontario Zone, Canada Red Cross, Thank you letter for donations to help Fort McMurray residents.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-P03-000-2016)
- 23-679 From Anne Leduc, Economic Development and Communications Officer, Township of North Dundas, Reinstatement of the Rural Economic Development Fund.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-D02-000-2016)
- 23-680 From Daniel B. Artenosi, Partner, Overland LLP, JSM Corporation (Ontario) Ltd., Proposed New City of Kingston Official Plan.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-D08-000-2016)

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- 23-681 From Mary Davis Little, resident, letter to Council regarding Heritage Kingston and Barriefield Heritage District Plan.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-R01-000-2016)
- 23-682 From Sandra and Bob Campton, residents, letter to Council regarding the proposed Third Crossing.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-T04-000-2016)
- 23-683 From Frank Dixon, resident, letter to Council regarding the proposed Capitol Theatre project.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-D22-000-2016)

Referred to City Clerk

- 23-684 From Kingston Frontenac Public Library asking Council to proclaim October 2016 as Public Library Month and October 16-22, 2016 as Public Library Week in the City of Kingston.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-M10-000-2016)
- 23-685 From Teachers of English as a Second Language (TESL) Kingston asking Council to proclaim November 20-26, 2016 as English as a Second Language Week in the City of Kingston.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-M10-000-2016)
- 23-686 From Islamic Society of Kingston asking Council to proclaim October, 2016 as Islamic History Month Canada in the City of Kingston.
(Distributed to all members of Council on September 14, 2016)
(File Number CSU-M10-000-2016)

Other Business

By-Laws

- a) **That** By-Laws (1) through (7) and (11) be given their first and second reading.
- b) **That** By-Laws (1) through (11) be given their third reading.
- (1) A By-Law to Amend By-Law Number 76-26, "A By-Law to Regulate the use of lands and the Character, Location and use of Buildings and Structures in The Township of Kingston" (Zone Change from site-specific Residential Type 1 Zone 'R1-3' to Residential Type 2 'R2', 40 Crescent Drive)
- Three Readings Proposed Number 2016-178
(See Clause 1) Report Number 91)

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- (2) A By-Law to Amend By-Law Number 32-74, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in The Township of Pittsburgh" (*Zone Change from General Rural Zone 'A2' and site-specific General Industrial Zone 'M2-1' to site-specific General Rural Zone 'A2-40', portion of 3955 Pine Grove Road*)

Three Readings

Proposed Number 2016-179

(See Clause 2) Report Number 91)

- (3) A By-Law to Amend By-Law Number 32-74, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in The Township of Pittsburgh" (*Zone Change from 'A1' to 'R3-15' and 'OS', 297 Gore Road*)

Three Readings

Proposed Number 2016-180

(See Clause 3) Report Number 91)

- (4) A By-Law to Amend Official Plan for the City of Kingston Planning Area (Amendment Number 50, Five Year Review)

Three Readings

Proposed Number 2016-181

(See Clause 4) Report Number 91)

- (5) A By-Law to Amend By-Law Number 2005-40 "A By-Law To Designate Brownfields Project Areas 1A, 1B, 1C and 2 as Community Improvement Areas" (223 Princess Street)

Three Readings

Proposed Number 2016-182

(See Clause 5) Report Number 91)

- (6) A By-Law To Amend By-Law Number 2005-41 "A By-Law To Adopt The Community Improvement Plan For Brownfields Project Areas 1A, 1B, 1C and 2" (223 Princess Street)

Three Readings

Proposed Number 2016-183

(See Clause 5) Report Number 91)

- (7) A By-Law to Amend By-Law Number 96-259, "Downtown and Harbour Zoning By-Law for The Corporation of The City of Kingston" (Zone Change from Central Business System 'C1' Zone and Heritage Commercial 'C1-3' Zone to Site-Specific Central Business System 'C1-42-H' Zone, 223 Princess Street)

Three Readings

Proposed Number 2016-184

(See Clause 5) Report Number 91)

Note: Subject to the disposition of Clause 5) of Report 91) the consent of Council will be requested to withdraw the By-Law.

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- (8) A By-Law to Enter Into a Municipal Contribution Agreement with Kingston and Frontenac Housing Corporation
Third Reading Proposed Number 2016-172
(See Clause 2) Report Number 87)
(City Council Meeting Number 2016-22)
- (9) A By-Law to Adopt the Village of Barriefield Heritage Conservation District Plan 2015, pursuant to the Provisions of the *Ontario Heritage Act* (R.S.O. 1990, 0.18)
Third Reading Proposed Number 2016-173
(See Clause 1) Report Number 88)
(City Council Meeting Number 2016-22)
- (10) A By-Law to Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board", Add: Nick Papadomanolakis-Pakis, Greg Bennett, Jennifer Bernier-Simard, Mike Davis, Nick Del-Mei, Ben Foley, Adam Huber, Zach Poirier, Brandon Smith, Court Durance, Brianna Raison, Nick Pakis, James Brown, Cassie Wilson, Mackenzie Rose; Remove: Chelsie Bowen, Matt Morgan - Hotel Dieu Hospital; Kingston General Hospital; Kingston Mental Health Services – 752 King Street West; Providence Manor – 275 Sydenham Street; and St. Mary's of the Lake Hospital.
Third Reading Proposed Number 2016-174
(See Communication Number 22-647)
(City Council Meeting Number 2016-22)
- (11) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday September 20, 2016
Three Readings Proposed Number 2016-185
(City Council Meeting Number 2016-23)

Adjournment